

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

SELECTIVE INSURANCE COMPANY  
OF AMERICA,

Plaintiff,

v.

T-MOBILE NORTHEAST, LLC,

Defendant.

Civil Action No.: No. 2:17-cv-06420-MCA-MCH

**DEFENDANT T-MOBILE  
NORTHEAST, LLC'S  
NOTICE OF MOTION TO DISMISS  
PURSUANT TO FEDERAL RULES OF  
CIVIL PROCEDURE 12(b)(1) AND  
12(h)(3)**

*Oral Argument Requested*

TO: Michael J. Marone, Esq.  
Eric G. Siegel, Esq.  
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Morristown, NJ 07962  
Attorneys for Plaintiff

COUNSEL:

**PLEASE TAKE NOTICE** that on May 4, 2020, or as soon as counsel may be heard, the undersigned attorneys for Defendant T-Mobile Northeast, LLC, shall move before the Court, at the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for an Order dismissing Plaintiff's Complaint with prejudice under Fed. R. Civ. P. 12(b)(1) and 12(h)(3).

**PLEASE TAKE FURTHER NOTICE** that, in support of this motion, movant shall rely upon the accompanying Brief, Certification and Exhibits in Support of Defendant's Motion; and

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order granting the relief requested is submitted herewith in accordance with the provisions of L. Civ. R. 7.1(e).

**PLEASE TAKE FURTHER NOTICE** that the Defendant *requests oral argument*.

Dated: February 28, 2020

Respectfully submitted,

**PORZIO, BROMBERG & NEWMAN, P.C.**

s/Charles J. Stoia

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Kelly H. Sheridan (*Pro Hac Vice*)

Attorneys for Defendant

T-Mobile Northeast, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the within document in support of Defendant T-Mobile Northeast, LLC's Motion to Dismiss Plaintiff's Complaint with prejudice, and proposed form of Order with the Clerk of Court using the CM/ECF system, which will send notification of such filing to Plaintiff's counsel of record. Transmission of the notice of electronic filing constitutes service of filed documents pursuant to L. Civ. R. 5.2(14)(b)(1).

*s/ Charles J. Stoia*

Charles J. Stoia, Esq.

Dated: February 28, 2020